

1 HANSON BRIDGETT LLP
2 KURT A. FRANKLIN, SBN 172715
kfranklin@hansonbridgett.com
3 SAMANTHA WOLFF, SBN 240280
swolff@hansonbridgett.com
4 JENNIFER ANIKO FOLDVARY, SBN 292216
jfoldvary@hansonbridgett.com
5 425 Market Street, 26th Floor
San Francisco, California 94105
Telephone: (415) 777-3200
6 Facsimile: (415) 541-9366

7 HANSON BRIDGETT LLP
8 TYSON M. SHOWER, SBN 190375
tshower@hansonbridgett.com
9 LANDON D. BAILEY, SBN 240236
lbailey@hansonbridgett.com
10 500 Capitol Mall, Suite 1500
Sacramento, California 95814
Telephone: (916) 442-3333
11 Facsimile: (916) 442-2348

12 OTTEN LAW, PC
13 VICTOR OTTEN, SBN 165800
vic@ottenlawpc.com
14 KAVITA TEKCHANDANI, SBN 234873
kavita@ottenlawpc.com
15 3620 Pacific Coast Highway, #100
Torrance, California 90505
Telephone: (310) 378-8533
16 Facsimile: (310) 347-4225

17 Attorneys for Plaintiffs
CORY SPENCER, DIANA MILENA
18 REED, and COASTAL PROTECTION
RANGERS, INC.

20 UNITED STATES DISTRICT COURT
21 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

23 CORY SPENCER, an individual;
24 DIANA MILENA REED, an
individual; and COASTAL
25 PROTECTION RANGERS, INC., a
California non-profit public benefit
corporation,

26 Plaintiffs,
27
28

CASE NO. 2:16-cv-02129-SJO (RAOx)

**DECLARATION OF JOHN W. INNIS
IN SUPPORT OF PLAINTIFFS'
MOTION FOR CLASS
CERTIFICATION**

Judge: Hon. S. James Otero

Date: February 21, 2017

Time: 10:00 a.m.

Crtrm.: 10C. 1st Street Courthouse

1

v.

3 LUNADA BAY BOYS; THE
4 INDIVIDUAL MEMBERS OF THE
5 LUNADA BAY BOYS, including but
not limited to SANG LEE, BRANT
BLAKEMAN, ALAN JOHNSTON
6 AKA JALIAN JOHNSTON,
MICHAEL RAE PAPAYANS,
7 ANGELO FERRARA, FRANK
FERRARA, CHARLIE FERRARA,
8 and N. F.; CITY OF PALOS
VERDES ESTATES; CHIEF OF
9 POLICE JEFF KEPLEY, in his
representative capacity; and DOES
10 1-10,

11

12 Defendants.

13

14

I, John W. Innis, declare as follows:

15

16 1. I have lived in Hermosa Beach, California for more than 30
years. I have personal knowledge of the matters stated in this declaration
17 and, if called as a witness, could and would testify competently as to its
contents.

18

19 2. I attended Santa Monica College and obtained my associate's
degree in Electronic Engineering Technology in 1977. I currently work as a
20 Contract Engineer for Northrup Grumman.

21

22 3. I enjoy visiting the beach, surfing, and being outdoors. Surfing is
a great sport and much more physical than one might think. The sport of
23 surfing is a lot of fun. I have surfed in Hawaii, Bluff Cove at Palos Verdes
24 Estates, and other great surf locations.

25

26 4. In 1998, I had a verbal altercation with a man while visiting
27 Lunada Bay. I was seated on the bluff at Lunada Bay, trying to take pictures

28

Complaint Filed: March 29, 2016
Trial Date: November 7, 2017

1 of the surf. I had my tripod on the bluff, and I could have been mistaken for
2 a professional photographer based on the size of the lens. As I was
3 positioning my camera towards the water, my view-finder suddenly went
4 black. There was a man standing right in front of my lens, deliberately
5 blocking my view, even though there was no one around on either side of
6 us. The man told me that I should not be taking pictures of local surfers. I
7 did not like the way he had blocked my camera or his hostile tone when he
8 spoke to me. I told him that I had a right to be there. After a 2 to 3 minute
9 argument between myself and the man, I packed up my gear and left
10 Lunada Bay rather than getting into a physical altercation with him. I did not
11 want the argument to escalate further, nor did I want my property to get
12 damaged. Even though the man did not attack me physically, I believed it
13 was clear that he was trying to intimidate me.

14 5. I was so incensed after the exchange that I drove to the nearest
15 pay phone to call the police. I drove just up the road from Lunada Bay to the
16 local gas station to call the sheriff to make a report. However, before I could
17 get my change into the pay phone to make the call, the same man who
18 harassed me on the bluff drove up the hill in a white pickup truck with a
19 second man in the passenger seat and they exited their vehicle. They
20 stared me down in the phone booth as they went into the liquor store that is
21 adjacent to the gas station, trying to further intimidate me. Rather than call
22 the police from that location, I decided to get leave. I drove straight from the
23 gas station to the police station.

24 6. I went to the Palos Verdes Estates police station to file a
25 complaint. The police acted indifferent to my story. They said they were not
26 going to send someone out to the beach for that type of behavior, but I could
27 fill out a complaint. I filed Complaint Number 980329026 on March 29,
28 1998. Officer Dave P. Blitz took my statement. After I filed the complaint,

1 the police never called me to follow up on it. It was not until years later
2 when I personally requested a copy of the police report that I learned that
3 the police followed up with the aggressor from the bluff. The Palos Verdes
4 Estates Police never notified me that they had investigated my complaint, or
5 that they had spoken to the man regarding his behavior.

6 7. Since the incident in 1998, I have returned to Lunada Bay and I
7 have not had any further altercations with the men there. It is my belief that I
8 have not been harassed because I limit my visits to the bluffs, rather than
9 going down to the beach to surf. The men I believe are known as Bay Boys
10 seem to hang out near the trailhead entrance, so whenever I visit I try to
11 avoid the trailhead altogether. I would not even contemplate walking down
12 that trail to the beach for fear of being harassed or assaulted.

13 8. I am informed that the men's behavior is supposed to be getting
14 better at Lunada Bay in this last year or so, but I do not believe it. It is my
15 belief that any improved behavior is only because people are scrutinizing
16 them now. Another reason that I do not believe it is getting better is
17 because people that are hassled do report every incident, i.e., they go
18 somewhere else rather than report it to the police. Perhaps it has gotten
19 better, but coincidentally the same year that I filed my complaint with the
20 police in 1998, Easy Reader magazine claimed there had been "no
21 incidents" at Lunada Bay that year. I know that to be untrue because I filed
22 a complaint with the Palos Verdes Estates police department that year.
23 Therefore, it is my belief that either my complaint did not show up in the
24 police files, or the magazine chose not to report the complaint.

25 ///

26 ///

27 ///

28 ///

1 9. I hope to one day see Lunada Bay be a place where people can
2 visit freely without fear of harassment. Unfortunately, the Bay Boys'
3 behavior has gone unchecked for so long that it is not safe for visitors to go
4 there without fear of harm to themselves or their property. Perhaps there is
5 a very bold person who would be willing to take their chances by going down
6 the trail that leads to the beach and getting into the water at Lunada Bay.
7 But knowing how the Bay Boys act, I would not be the person to volunteer to
8 try it out.

9

10 I declare under penalty of perjury under the laws of the United States
11 of America that the foregoing is true and correct.

12

13 Executed in Hermosa Beach, California on December 21, 2016.

14

15

16 JOHN W. INNIS

17

18

19

20

21

22

23

24

25

26

27

28

EXHIBIT 1

PALOS VERDES ESTATES POLICE DEPARTMENT CA0195100
MISCELLANEOUS REPORT

980329026

DR 980199

OFFENSE		F/M	DISPOSITION		VICTIM		OV	HATE	FORCE	
MISC	MISCELLANEOUS REPORT	P	P				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
REPORTED DATE & TIME Sunday 03/29/1998	at 10:36	LOCATION OF OCCURRENCE 2100 BLK PASEO DEL MAR					EARLY DATE & TIME OF OCCURRENCE Sunday 03/29/1998 at 10:36			
		RD 701					LATE DATE & TIME OF OCCURRENCE Sunday 03/29/1998 at 10:36			
PRIMARY ROLE INVOLVED-1	NAME	RACE	SEX M	AGE	DATE OF BIRTH					
PRIMARY ROLE REPORTING PARTY-1	NAME INNIS, JOHN WARREN	RACE	SEX M	AGE	DATE OF BIRTH					
VEHICLE INFORMATION										
VEHICLE STATUS	YEAR TOYT	MAKE TK	MODEL PK	BODY SIL	COLOR 1	COLOR 2	LICENSE	STATE CA	EXPIRES /	VIN
VEHICLE ACTION	VALUE	RECOVERED VALUE						REGISTERED OWNER		

NARRATIVE

SOURCE: On 3/29/98 at approximately 1100 Hours, I was detailed to the station lobby regarding a report call of a suspected surfer incident.

REPORTING PARTY'S STATEMENT: RP/Innis reported the following incident that had occurred on this date at approximately 1015 hours. While standing on the upper bluff in the 2500 block of Paseo Del Mar taking pictures with a tripod mounted camera, an unidentified Subject stood in front of his camera to block the camera lens. RP/Innis looked up from his camera and asked the subject if he could move out of the way. Upon doing so, the subject told RP/Innis that he should not be taking pictures of the local surfers. After approximately 2-3 minutes of argumentative conversation, the unidentified Subject walked over and entered a parked vehicle that was described as a small import pickup truck silver or grey in color with a triangle shaped decal on the rear camper shell window. RP/Innis stated that he then packed up his equipment and drove to the Police station to report the incident. RP/Innis stated that while he was never threatened by the subject, he felt that a minimal amount of intimidation had occurred and he resented it. RP/Innis described the Subject as a Male white, approximately 25 years old, medium length brown hair wearing khaki cut off shorts, white t-shirt with tan work boots.

OFFICER'S STATEMENT: I informed RP/Innis that I would document the non-criminal incident and that I would attempt to locate the Subject to investigate further. After providing RP/Innis with a report number, I drove to the location where the Subject was last seen in an attempt to identify him. Upon my arrival in the area, I located the described unoccupied vehicle. After contacting approximately 8 unidentified surfers standing nearby, they all stated that the registered owner of the above vehicle was probably down on the beach. Due to the above,

REDACTED

PALOS VERDES ESTATES POLICE DEPARTMENT CA0195100

MISCELLANEOUS REPORT

980329026

DR 980199

I left my business card on the window of the truck that was registered to .. Later in the day while off duty, I/ called the station to discuss the incident. On 3/30/98 at approximately 0700 Hours, after paging I/ he returned my call and agreed to discuss the reported incident. I/ acknowledged that he had a conversation with another person regarding the taking of pictures in Lunada Bay. I/ reported the incident as follows: While walking past RP/Innis' camera, I/Innis became angry that he had walked past the front of his camera. I/ stated that RP/Innis became very hostile while telling him to move away from his camera equipment. After discussing the differing versions of the incident, I was able to get I/ to acknowledge that he was the one who had purposely initiated the confrontation. I reminded I/ that he did not have the legal right to discourage other individuals from being in the area and that the area was not reserved exclusively for so called "Locals". I/ agreed that it would be unproductive to engage in these types of confrontations in the future.

ADDITIONAL INFORMATION: Prior to this reported incident, I/ had no previous contacts with our agency in any similar incidents.

REDACTED

CASE PENDING				
REPORTED ON:	3/29/1998	AT 10:36	BY 710	CPL. DAVE P. BLITZ 710
RECORDED ON:	3/29/1998	AT 10:36	BY 710	CPL. DAVE P. BLITZ 710
REVIEWED ON	3/30/1998	AT	BY 712	MARK A. VELEZ 712